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Defendant Lorin Ashton (“Defendant”), by and through undersigned counsel, respectfully submits this Motion to Compel under Local Rule 37.01, Rule 26(c) of the Federal Rules of Civil Procedure (the “FRCP”), and FRCP Rule 36. In support, Defendant states as follows:

- <sup>1</sup> The term “Plaintiffs” collectively refers to Plaintiffs Rachel Ramsbottom (“Ramsbottom”), Alexis Bowling (“Bowling”) and Jenna Houston (“Houston”).

3. Defendant propounded interrogatories and requests for admission on Plaintiffs on April 18, 2022. *See* Declaration and Certification of Mitchell Schuster in Support of Defendant's Motion to Compel ("Schuster Decl."); *Id.*, Exs. A(RR), A(AB), A(JH) – B(RR), B(AB), B(JH). Plaintiffs responded on May 18, 2022. *Id.* at Exs. C(RR), C(AB), C(JH) – D(RR), D(AB), D(JH). On August 11, 2022, Plaintiffs supplemented their responses to Defendant's requests for admission. *Id.*, Exs. E(RR), E(AB), E(JH).

4. To certain of Defendant's Interrogatories and Requests for Admission, which are identified in detail in Defendant's memorandum of law, Plaintiffs refused to substantively respond, objecting that, under FRE 412, the discovery requests were prohibited.

5. The information sought in the at-issue discovery requests is directly relevant to Plaintiffs' factual allegations, the elements to the statutes at issue, including statutory defenses, as well as to Plaintiffs' alleged damages.

6. Both the plain language of FRE 412 and the relevant case law construing the same establish that Plaintiffs should be made to respond to Defendant's discovery requests.

7. Counsel for Defendant has conferred with counsel for Plaintiffs under Local Rule 7.01(a)(1) and can report that this relief is opposed, as outlined in detail in Defendant's memorandum of law. These matters came before the Court during the September 28, 2022 discovery dispute telephone conference, and no resolution was reached on the relief requested herein.

For these reasons and those stated in the contemporaneously filed memorandum of law in support of this motion, Defendant asks the Court to enter an order compelling:

- Plaintiff Ramsbottom to substantively respond to Defendant's Interrogatory Nos. 21, 22, and 23 and Request for Admission Nos. 4, 27, 45, and 46;

- Plaintiff Bowling to substantively respond to Defendant's Interrogatory Nos. 18, 19, and 20 and Request for Admission Nos. 4, 46, and 58;
- Plaintiff Houston to substantively respond to Defendant's Interrogatory Nos. 18, 19, and 20 and Request for Admission Nos. 4, 27, 47, 48, 62, 63, and 78;

and for all other relief the Court deems just and proper.

Dated: October 14, 2022

Respectfully submitted,

s/ Robert A. Peal

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and exact copy of the foregoing was served on the following counsel via the Court's CM/ECF system on this 14th day of October, 2022:

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